



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/019,486 Confirmation No. 1377
Applicant : WOLFGANG KIESEWETTER, et al.
Filed : May 22, 2002
TC/A.U. : 3683
Examiner : R. Siconolfi
Docket No. : 225.50783
Customer No. : 23911
Title : BRAKE SYSTEM FOR A MOTOR VEHICLE

REPLY UNDER 37 CFR § 1.111

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Sir:

The following is responsive to the Office Action mailed on or about October 6, 2003.

The rejection of Claims 20-32 under 35 USC § 103(a) as being unpatentable over Nell et al. in view of Yoshida '589 is traversed. Reconsideration of that rejection is respectfully requested.

The assignee of the present application, DaimlerChrysler AG, is the assignee of the cited Nell et al. brake system patent. Applicants agree with the acknowledgment in the Office Action that the Nell et al. patent does not teach actuating the servo brake based on one threshold and then terminating if the variable does not meet a second threshold within a certain period of time. Applicants would note, however, that this is far from the only difference between the claimed invention and DaimlerChrysler's earlier Nell et al. patent which

discloses a pressure sensor 63 and an optional pressure sensor 64, the latter being provided solely for the purpose of recognizing a driver's wish by sensing the pressure at the outlet 19 of the brake unit fed directly to the brake circuit I. The pressure sensor 63 is assigned to the outlet 21 assigned to the separate brake circuit II.

Attention is directed to col. 13, lines 40-42 of the Nell et al. patent where it is made clear that the automatic full braking operation occurs when the actuating speed of the brake pedal 16, as monitored by a pedal position transmitter 69, exceeds a threshold value (col. 13, lines 13-20). The operation is terminated, however, when the driver eases up on the brake pedal 16. That is all the Nell et al. patent teaches that is of arguable relevance to the present invention.

The Nell et al. patent teaches nothing about two pressure sensors having different reference values. Nor does it teach anything at all about temporary activation of the servo assistance unit for a limited time period "in the event that a higher of the reference value from the first pressure sensor is exceeded and a lower of the reference values for the second pressure sensor has not yet been attained." That is, the Nell et al. patent is completely silent and provides not motivation to so modify its two (one being optional) pressure sensors to achieve the claimed temporary activation. Certainly, there is no suggestion in the Nell et al. patent that would point to a modification of that brake system by looking to the Yoshida '589 patent for preventing unintended braking of the vehicle leading to a loss of control.

The Yoshida '589 braking apparatus also teaches nothing about pressure sensors having different reference values where the temporary brake servo assistance unit for a limited time where the reference value exceeds the higher of the reference values from a first of the sensors but a lower reference value for another of the sensors has not been reached. Instead, the Yoshida '589 apparatus is to detect the amount of brake pedal travel, and to terminate the brake assist control when the detected brake pedal travel amount detected at a predetermined time after the change from normal to brake-assist control falls below a certain value.

Thus, even if, for argument's sake, the teachings of the Yoshida '589 patent would have suggested their use in the Nell et al. system, the resulting combination would not have yielded the combination set forth in Claims 20-32. In light of the above, however, hindsight would have been required to fuse the teachings of the Nell et al. and Yoshida '589 patents in derogation of 35 USC § 103(a). A *prima facie* case of obviousness based upon substantial record evidence has not been established.

Accordingly, early and favorable action is earnestly solicited.

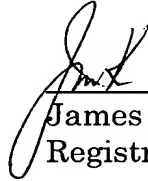
If there are any questions regarding this response or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and

please charge any deficiency in fees or credit any overpayments to Deposit
Account No. 05-1323 (Docket # 095309.50783).

Respectfully submitted,

January 6, 2004

A handwritten signature in black ink, appearing to read 'JFM', is written over a horizontal line.

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